

**PRINCIPLES
OF PROPOSED LEGISLATION GOVERNING
APPRENTICESHIP AND OCCUPATIONAL TRAINING**

**Alberta Career Development and Employment
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A. INTRODUCTION

This document explains the background and outlines the major principles that would be embodied in proposed new legislation governing apprenticeship and occupational training.

Currently, apprenticeship and trade certification is administered through the Manpower Development Act under the direction of the Minister of Career Development and Employment. Although some non-apprenticeship occupational training has been funded under the Department of Career Development and Employment Act, no specific systems or operations exist for such training, nor for the setting of standards, or for the recognition of training received and skills acquired.

In 1987, the Minister of Career Development and Employment commissioned a public review of apprenticeship and industry training. In response to that extensive review, a comprehensive legislative framework is under consideration for introduction in the spring 1990 session of the Legislative Assembly.

**B. THE NEED FOR CHANGE
(IF IT AIN'T BROKE, DON'T FIX IT)**

Even a cursory glance at the average office or industrial job site is enough to tell us the workplace and the world of work are undergoing major transformations. The tools of work are being radically altered by new technologies. The workforce is changing too, becoming older, more multi-cultural, more female and better educated. The nature of work itself is in a state of flux. It is becoming more service-oriented and concerned with gathering, processing and disseminating information.

All of these changes are the result of major trends affecting work and workers throughout the world. These changes will make new demands on the apprenticeship partnership which may not be accommodated under the Manpower Development Act.

For example, the Manpower Development Act does not allow the government or the Apprenticeship and Trade Certification Board to provide a voluntary apprenticeship program. Nor does it allow an apprenticeship program of less than one year. It does not allow for a broad enough set of conditions under which government sponsored training can be provided - to the detriment of individual Albertans and Alberta industry and business.

The existing system of apprenticeship and certification will not be altered by the proposed legislation. However, the legislative framework surrounding the existing system would be changed, making it "enabling" rather than "limiting", and "flexible" not "restrictive". These proposed changes are intended to be more responsive to the needs of industry, now and in the future.

C. **THE PARTNERSHIP**

Role of Government

The government, in the best interests of Alberta's citizens, is involved in apprenticeship and occupational training on the basis of both economic and social policy considerations.

To help maintain and enhance Alberta's economic competitiveness in the global market place, government must work in partnership with individuals and private employers to continue to increase the skill level of Alberta's workforce.

The social policy document of Alberta, entitled "Caring and Responsibility", identifies, as part of the government's role, the responsibility to:

- (a) foster individual self reliance and provide positive opportunities for individuals to achieve their personal goals;
- (b) provide equitable opportunities for all Albertans to access government programs;
- (c) foster and support a social and economic environment in which Alberta continues to grow and prosper; and
- (d) work cooperatively with the federal government, other provinces and municipal governments to ensure that the needs of Albertans are met.

Role of Industry

Industry (both employers and workers) has a responsibility to:

- (a) identify the need for a specific skill or skills within their workforce;
- (b) participate in apprenticeship and occupational training;
- (c) provide quality on-the-job training;
- (d) work cooperatively with government in setting and evaluating standards;
- (e) assume some responsibility for the economic and social environment in which it operates; and
- (f) provide equitable opportunities for Albertans to access employment and training.

Role of the Apprentice/Trainee

Each apprentice, trainee or employee receiving training has a responsibility to participate, to the limit of their ability, in the available training or retraining opportunities so as to become a fully productive and contributing member of Alberta society.

D. IMPLICATIONS OF THE PROPOSED LEGISLATION

The proposed legislation would provide for an expanded training capability based upon the existing model of apprenticeship and certification.

Previous efforts to update the legislative authority for the apprenticeship and trade certification system have met with substantial opposition from those comfortable with the traditions developed over the years. The intent of the proposed legislation is to preserve those time-honoured traditions and to expand the model into new industrial sectors and occupational groups.

The objective of the proposed legislation is to provide a basis for labour market programming which would respond quickly and appropriately to changing labour market demands well into the next century.

Critical to the success of this new legislative initiative would be an enhanced role for industry in determining needs and actions.

In response, government would be able to provide a full range of programs and services, and to adjust those programs to meet changing needs.

The flexibility of the proposed legislation would provide for a range of training and certification alternatives. Provision would be made for a smooth transition from one alternative to another to meet changing needs.

Under the proposed legislation, within this framework, various program and service options would be available. The basic foundation of apprenticeship and certification would be preserved, with authority to introduce new training alternatives as required and to provide for articulation between apprenticeship training and other occupational training programs.

Therefore, the proposed legislation would provide a framework for an enhanced role for industry combined with government support. This will form a solid basis for an effective and imaginative response to the labour market challenges of the new century.

E. PROPOSED LEGISLATIVE PROVISIONS

The proposed legislation will reflect the principles outlined above. The partnership with industry which has flourished in this Province will be continued and expanded.

Comprehensive Training for Industry

To allow the responsiveness required in the coming decades, the proposed legislation would enable a variety of flexible initiatives contributing to a comprehensive labour market development strategy. It would:

- (a) provide for a number of ways in which any training initiative could be accommodated including the existing apprenticeship and certification program; a less structured program based on the apprenticeship model of on-the-job experience and technical training; and broad authority to offer additional training services and programs in response to need;
- (b) provide industry with a process to adjust the designation, certification and training requirements of occupations to adapt to changing needs; and
- (c) provide the Minister with broad regulation making authority to allow for flexible, responsive and proactive initiatives.

Apprenticeship and Certification

The existing system of apprenticeship and certification with the four types of designation (voluntary certification; compulsory certification; compulsory apprenticeship and voluntary certification; and compulsory apprenticeship and compulsory certification) would be continued.

The existing designations of trades would remain when the new legislation comes into effect.

Compulsory Participation in Apprenticeship

The desire of industry for a trained workforce has been the reason for requesting designation of an occupation as a trade. Existing trades have accepted compulsory participation in apprenticeship training as the method for ensuring the availability of a trained workforce. However, the needs of industry change. Alberta has experienced substantial economic restructuring over the past decade resulting in new training needs. To accommodate this restructuring and to allow for the expansion and growth of the existing apprenticeship training system, provision would be made for a greater range of options in the trade designation process. Therefore:

- (a) the legislation would provide for a fifth type of designation (voluntary apprenticeship and voluntary certification) to enable the designation of trades in which there is no compulsion to participate;
- (b) existing trades would be allowed to opt-out of compulsory apprenticeship through a process of re-designation; similarly, a process would be established through which voluntary apprenticeship trades could opt-in; and
- (c) only one journeyman certificate would be issued for all trades eliminating the reference to "Proficiency" and "Qualification" trades.

Compulsory Certification

Where work in the trades involves a substantial risk to public safety, a mandatory requirement for such tradespersons to hold an appropriate trade certificate offers the necessary protection to both workers and the public. Other regulatory agencies provide inspection services to ensure that work is done competently. As it is not always possible to inspect the work, compulsory participation provides assurance that the person completing the work is appropriately trained and certified accordingly. Therefore, the provision for compulsory certification would be continued for those trades where there is a demonstrated risk to the safety of the public.

"Working in the Trade"

The designation of a trade implies that limits are imposed on persons working within that trade; such limitations should not impede the ability of industry to organize the workforce in a manner most appropriate to their needs. However, flexibility should not be at the expense of public safety or the interests of the trained workforce. In order to offer the flexibility required to work in a modern workplace while retaining public protection:

- (a) provisions would be made for the exemption of work normally within the scope of a designated trade from the application of the legislation and for
- (b) exemptions to accommodate unique forms of enterprise; and
- (c) any certified journeyman or apprentice trained to perform a task or skill applicable to more than one trade would be allowed to do so.

The Role of Industry

The intent of the proposed legislation is to place greater responsibility in the hands of industry, while expanding the base of expertise upon which decisions are made.

The proposed legislation would expand the involvement of industry in apprenticeship training. Local Apprenticeship Committees and Provincial Apprenticeship Committees would have greater responsibility in trade matters, and the Board would have increased authority in certain areas.

Enforcement

Compulsory provisions in the proposed legislation would be intended to be binding on all to whom they apply. While there is an expectation of compliance by both employers and employees, on occasion, non-compliance may result in a threat to public safety or an unfair advantage to those who consciously ignore the law.

To date, in applying for designation, industry has demonstrated that it is in the interest of all within that industry to meet certain obligations to ensure the availability of a competent workforce, and training opportunities for all those eligible.

Industry is also in the best position to determine when non-compliance creates a dangerous or unfair situation, and what is the most appropriate recourse for its resolution.

The proposed legislation would specify a process for hearing and dealing with complaints and for enforcing the compulsory provisions.



**CAREER DEVELOPMENT
AND EMPLOYMENT**

Office of the Minister

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January 17, 1990

Dear fellow Albertan:

As is generally well known in this province, apprenticeship is a proven combination of on-the-job and technical training that leads to certification as a journeyman. Alberta's apprenticeship and trade certification system, programs and services are administered under the direction of the Minister of Career Development and Employment consistent with the authority of the Manpower Development Act.

Since it came into effect November 1, 1976, the Manpower Development Act has well served the needs of individual Albertans and Alberta industry. However, the changing labour market of the 1990's will make new demands which the present legislation would most likely be unable to accommodate.

In 1985, the Minister of Manpower (now Career Development and Employment) introduced the Apprenticeship, Training and Certification Act ("Bill 35"). This legislation, intended to simplify and clarify the Manpower Development Act, was approved by the Legislature of Alberta but has not been brought into force. The decision to withhold proclamation of this new Act was a result of representation by a number of persons indicating that they felt enough consultation had not yet taken place.

Accordingly, in April 1987 the Minister of Career Development and Employment established the Apprenticeship and Industry Training Review Committee. The Committee was made up of Apprenticeship and Trade Certification Board members plus additional representatives from significant industrial sectors in Alberta. The role of the Committee was to examine the current state of training and certification of the skilled work force in Alberta and to identify needs and directions for the future. The public participated in the lengthy and intensive review process through both written submissions and oral presentations at public meetings held throughout the province.

The Review Committee was assisted by an Advisory Panel appointed by the Minister and composed of those members of the Board not on the Review Committee plus a broad representation from business and labour involved in the designated trades. The Advisory Panel reviewed the recommendations of the Review Committee and reported directly to the Minister. Reports of both the Review Committee and the Advisory Panel were submitted to the Minister and released to the public in November 1988.

January 17, 1990

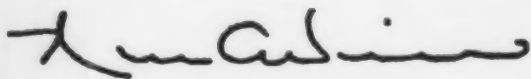
In response to the public review, a comprehensive legislative framework is under consideration for possible introduction in the spring 1990 session of the Legislative Assembly. The attached document outlines the major principles to be embodied in the proposed legislation.

I intend, as soon as it is ready, to share an initial draft of such legislation with all those most directly involved in the existing apprenticeship training partnership and any others directly affected by the training of individuals in the labour force. I anticipate their considered review and response. In addition, I intend to have workshops convened in various locations so that interested parties not in receipt of a draft will still have an opportunity to review the legislative proposals and to provide comments and recommendations.

In proceeding in this way, I intend to take full advantage of the extensive work and consultations previously carried out by the Review Committee and Advisory Panel; new legislation is clearly in order and needed soon. At the same time, the existing productive partnership of employers, workers and government must not only be maintained but be built upon and expanded.

Your interest in, and continuing support for, apprenticeship training and trade certification in Alberta is appreciated.

Yours sincerely,



Norm A. Weiss
Minister
MLA, Fort McMurray

NAW/rw

Enclosure